



IN THE DISTRICT COURT OF CLEVELAND COUNTY  
STATE OF OKLAHOMA

SCOTT RISK,  
Plaintiff,  
v.  
AMERICAN FAMILY HOME INSURANCE  
COMPANY;  
AMERICAN FAMILY INSURANCE GROUP;  
AMERICAN FAMILY INSURANCE; and,  
AMERICAN FAMILY MUTUAL INSURANCE  
COMPANY,  
Defendants.

Case No.: CJ-09-2555

STATE OF OKLAHOMA } S.S.  
CLEVELAND COUNTY }  
**FILED** In The  
Office of the Court Clerk  
JAN 25 2010

DOCKET PAGE RECORDED  
Rhonda Hall, Court Clerk  
DEPUTY

AMENDED PETITION

COMES NOW the Plaintiff Scott Risk for his causes of action against the Defendants American Family Home Insurance Company; Defendant American Family Insurance Group; Defendant American Family Insurance; and, Defendant American Family Mutual Insurance Company and states that all allegations contained in Plaintiff's original Petition are hereby adopted by reference as if fully set forth herein.

- 1) Plaintiff Scott Risk resides in Norman, Cleveland County, Oklahoma.
- 2) The Defendants American Family Home Insurance Company; American Family Insurance Group; American Family Insurance; and, American Family Mutual Insurance Company are doing business in this County and State.
- 3) The Plaintiff is an insured of Defendants American Family Home Insurance Company; Defendant American Family Insurance Group; Defendant American Family Insurance; and, Defendant American Family Mutual Insurance Company through a liability automobile insurance policy issued in the State of Oklahoma, which said policy included uninsured/underinsured motorist coverage with \$100,000 per person limits.



4) On January 15, 2008, Plaintiff was involved in an automobile collision in the State of Oklahoma due to the negligence of an underinsured motorist, which resulted in serious injuries and medical expenses in excess of \$27,000, plus lost wages.

5) A claim for medical expenses was submitted to Defendants American Family Home Insurance Company; Defendant American Family Insurance Group; Defendant American Family Insurance; and, Defendant American Family Mutual Insurance Company who failed to evaluate its insured's claim for uninsured/underinsured motorist benefits, instead, insisting other uninsured/underinsured motorist benefits would be primary and those uninsured/underinsured benefits would need to be exhausted first.

6) Defendants American Family Home Insurance Company; American Family Insurance Group; American Family Insurance; and, American Family Mutual Insurance Company have unreasonably breached its duty to deal fairly and in good faith with the Plaintiff.

7) The Plaintiff has been damaged by Defendants' failure to pay all of the coverage benefits to which Plaintiff is reasonably entitled under Plaintiff's uninsured/underinsured motorist policy with Defendants American Family Home Insurance Company; American Family Insurance Group; American Family Insurance; and, American Family Mutual Insurance Company .

8) Plaintiff has also suffered consequential damages as a result of the Defendants' unfair and unreasonable acts and failure to act.

9) Further, the acts and failures to act by Defendants American Family Home Insurance Company; American Family Insurance Group; American Family Insurance; and, American Family Mutual Insurance Company were oppressive, intentional, malicious, grossly negligent, willful, wanton, and/or with utter and reckless disregard for its duty to deal fairly and

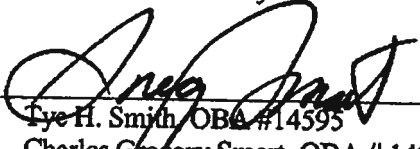
act in good faith with Plaintiff, its insured, entitling Plaintiff to punitive damages so as to punish Defendant American Family Home Insurance Company; Defendant American Family Insurance Group; Defendant American Family Insurance; and, Defendant American Family Mutual Insurance Company and make an example of it to other insurance companies.

WHEREFORE, Plaintiff prays for judgment against Defendants in an amount in excess of \$75,000.00 plus interests, costs and such other relief as the Court deems just and proper.

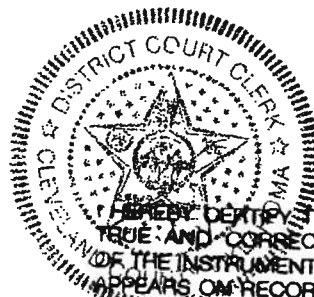
RESPECTFULLY SUBMITTED

Carr & Carr Attorneys

by:

  
Tye H. Smith, OBA #14595  
Charles Gregory Smart, OBA # 14944  
1350 S.W. 89<sup>th</sup> Street  
Oklahoma City, OK 73159  
(405) 234-2110 Phone  
(405) 234-2128 Fax  
Attorneys for Plaintiff

ATTORNEY'S LIEN CLAIMED



I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT AND COMPLETE COPY OF THE INSTRUMENT HERewith SET OUT AS IT APPEARS ON RECORD IN THE COURT CLERK'S OFFICE OF CLEVELAND COUNTY, OKLAHOMA. WITNESS MY HAND AND SEAL THIS 27 DAY OF March 2010.

BY

  
DEPUTY

ORIGINAL  
PLEASE RETURN

IN THE DISTRICT COURT OF CLEVELAND COUNTY  
STATE OF OKLAHOMA

SCOTT RISK,  
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Defendants.

Case No.: CJ-09-2555

SUMMONS

To the above-named Defendant:

American Family Insurance Group  
6000 American Parkway  
Madison, WI 53783.

You have been sued by the above-named Plaintiff, and you are directed to file a written answer to the attached petition in the court at the above address within twenty (20) days after service of this summons upon you, exclusive of the day of service. Within the same time, a copy of your answer must be delivered or mailed to the attorney for the Plaintiff. Unless you answer the petition within the time stated, judgment will be rendered against you together with costs of the action.

Issued this 25 day of Jan, 2010

COURT CLERK

☒ Certified Mail

☐ Sheriff \_\_\_\_\_ County

☐ Special Process Server

(SEAL)

By: Larry B. Brown

Deputy Court Clerk

ATTORNEY FOR PLAINTIFF(S):

Name: Tye H. Smith, OBA #14595  
Address: 1350 S.W. 89<sup>th</sup>  
Oklahoma City, Oklahoma 73159  
405/234-2110

This summons was served on \_\_\_\_\_  
(date of service)

\_\_\_\_\_  
(Signature of person serving summons)

YOU MAY SEEK THE ADVICE OF AN ATTORNEY ON ANY MATTER CONNECTED WITH THIS SUIT OR YOUR ANSWER. SUCH ATTORNEY SHOULD BE CONSULTED IMMEDIATELY SO THAT AN ANSWER MAY BE FILED WITHIN THE TIME LIMIT STATED IN THE SUMMONS.

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PLEASE RETURN

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(SEAL)

By: Jamy B. [Signature]

Deputy Court Clerk

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Name: Tye H. Smith, OBA #14595  
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